

REMARKS

Claims 1, 3 - 14, 18 - 20, 22 - 31, 33, 34, 37, 38, and 42 - 47 are pending in the present application. Reconsideration of the application is respectfully requested.

In section 6 of the Office Action, claims 1, 3 - 14, 18 - 20, 22 - 31, 33, 34, 37, 38, 44 and 45 are rejected under 35 U.S.C. 101 as being direct to non-statutory subject matter.

Where a claim is written in the form of a method and is potentially a patentable process, the claim is patent-eligible so long as it is not disqualified as one of the exceptions to 35 U.S.C. 101's broad patent-eligibility principles; i.e., laws of nature, physical phenomena, and abstract ideas. (1357 OG 188, 192)

Claim 1 provides for a method that includes running a program that resides in a memory, and under control of said program, performing actions of:

- presenting to said user, via a user device, one or more menus ...;
- presenting an alert button for a target business on said user device; and
- presenting information concerning an alert notice, on said user device, upon selection of said alert button by said user.

The method of claim 1, on its face, is neither a law of nature nor a physical phenomena. Additionally, whereas the method recites presenting several types of information on a user device, the method is not an abstract idea. Thus, the method of claim 1 satisfies the requirements of 35 U.S.C. 101.

Claim 20 is an independent claim, and includes recitals similar to those of claim 1, described above. Accordingly, claim 20, for reasoning similar to that of claim 1, also satisfies the requirements of 35 U.S.C. 101.

Claims 3 - 14, 18, 19 and 44 depend from claim 1. Claims 22 - 31, 33, 34, 37, 38 and 45 depend from claim 20. By virtue of these dependencies, claims 3 - 14, 18, 19, 22 - 31, 33, 34, 37, 38, 44 and 45 are also directed to statutory subject matter.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 101 rejection set forth in section 6 of the Office Action.

In section 8 of the Office Action, claims 1, 3 - 14, 18 - 20, 22 - 31, 33, 34, 37, 38 and 42 - 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description on the grounds that a folder recited in the claims has no relationship to the physical storage of data. Applicants respectfully disagree.

Applicants respectfully submit that the use of a folder to designate an organization of data in a memory is well understood by a person skilled in the art of computer programming. Accordingly, Applicants are requesting a withdrawal of the rejection of claims under 35 U.S.C. 112, first paragraph.

In section 10 of the Office Action, claims 1, 3 - 14, 18 - 20, 22 - 31, 33, 34, 37, 38 and 42 - 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite on the grounds that the term "folder" does not adequately define a physical invention. Applicants respectfully disagree.

Applicants respectfully submit that the use of a folder to designate an organization of data in a memory is well understood by a person skilled in the art of computer programming. Accordingly, Applicants are requesting a withdrawal of the rejection of claims under 35 U.S.C. 112, second paragraph.

In section 12 of the Office Action, claims 1, 3, 4, 6, 8 - 10, 20, 22, 23, 25 - 27, 33, 42 and 43¹ are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0032170 to Sheth (hereinafter "the Sheth publication") in view of U.S. Patent Application

¹ The Office Action, on page 7, lists claims 15 and 32 as being rejected. However, claims 15 and 32 were previously canceled.

Publication No. 2003/0163547 to Beisty et al. (hereinafter "the Beisty et al. publication"). Applicants are traversing this rejection.

Claim 1 provides for a method performed by a processor. The method includes running a program that resides in a memory, and under control of said program, performing actions of:

- presenting to the user, via a user device, one or more menus through which the user:
 - (a) accesses a folder in a memory, wherein the folder holds information concerning a business;
 - (b) accesses a list that includes a representation of the folder; and
 - (c) selects the folder from the list to identify the business as a target business;
- communicating an alert notice concerning the target business to the user;
- presenting an alert button for the target business on the user device; and
- presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user.

The application discloses presenting an alert button for the target business on the user device, at page 8, lines 11 - 16, and in FIG. 5.

The application discloses presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user, at page 10, lines 25 - 31, with reference to FIG. 7.

The Sheth publication is directed to a method and a system that allows a corporation to aggregate its procurement of services through a central automated, online process, i.e., an online private marketplace, in which a private marketplace owner invites bids from vendors (Abstract). The Sheth publication mentions alerts, and specifically states that "[T]he described embodiment can contact the buyer and seller with email, pager, phone, fax, mobile phone, etc." (paragraph 0123). However, the Sheth publication neither discloses (a) presenting an alert button on a user device, and (b) presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user.

The Beisty et al. publication mentions alerts, but Applicants do not believe that the Beisty et al. publication discloses (a) presenting an alert button on a user device, and (b) presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user.

Whereas neither of the Sheth publication nor the Beisty et al. publication discloses (a) presenting an alert button on a user device, and (b) presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user, Applicants respectfully submit that the cited combination of the Sheth publication and the Beisty et al. publication neither discloses nor suggests:

presenting an alert button for the target business on the user device; and

presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user,

as recited in claim 1. Thus, claim 1 is patentable over the cited combination of the Sheth publication and the Beisty et al. publication.

Claims 20, 42 and 43 each includes a recital, similar to that of claim 1. As such, claims 20, 42 and 43, similarly to claim 1, are also patentable over the cited combination of the Sheth publication and the Beisty et al. publication.

Claims 3, 4, 6 and 8 - 10 depend from claim 1. Claims 22, 23, 25 - 27 and 33 depend from claim 20. By virtue of these dependencies, claims 3, 4, 6, 8 - 10, 22, 23, 25 - 27 and 33 are also patentable over the cited combination of the Sheth publication and the Beisty et al. publication.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103(a) rejection set forth in section 12 of the Office Action.

In section 13 of the Office Action, claims 13, 18, 19, 30, 37, 38 and 44 - 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Sheth publication in view of the Beisty et al. publication, and further in view of U.S. Patent Application Publication No. 20020072927 to Phelan et al. (hereinafter "the Phelan et al. publication").

Claims 13, 18, 19 and 44 depend from claim 1. Claims 30, 37, 38 and 45 depend from claim 20. Claim 46 depends from claim 42, and claim 47 depends from claim 43. Applicants do not believe that the Phelan et al. publication makes up for the deficiency of the Sheth publication and the Beisty et al. publication as they relate to claims 1, 20, 42 and 43. Accordingly, Applicants are submitting that claims 1, 20, 42 and 43, and claims 13, 18, 19, 30, 37, 38 and 44 - 47, by virtue of their dependencies, are all patentable over the cited combination of the Sheth publication, the Beisty et al. publication, and the Phelan publication.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103(a) rejection set forth in section 13 of the Office Action.

In section 14 of the Office Action, claims 5, 7, 11, 12, 24, 28, 29 and 34 are rejected under 35 U.S.C. 103 as being unpatentable over the Sheth publication in view of the Beisty et al. publication, in view of Official Notice.

Claims 5, 7, 11 and 12 depend from claim 1, and claims 24, 28, 29 and 34 depend from claim 20. Applicants do not believe that the invocation of Official Notice makes up for the deficiency of the Sheth publication and the Beisty et al. publication as they relate to claims 1 and 20. Accordingly, Applicants are submitting that claims 1, 20, 42 and 43, and claims 5, 7, 11, 12, 24, 28, 29 and 34, by virtue of their dependencies, are all patentable over the Sheth patent in view of the Beisty et al. publication, in view of Official Notice.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103 rejection set forth in section 14 of the Office Action.

In section 15 of the Office Action, claims 14 and 31 are rejected under 35 U.S.C. 103 as being unpatentable over the Sheth publication in view of the Beisty et al. publication, in view of the Phelan et al. publication, in view of Official Notice.

Claim 14 depends from claim 1, and claim 31 depends from claim 20. Applicants do not believe that the invocation of Official Notice makes up for the deficiency of the Sheth publication, the Beisty et al. publication, and the Phelan et al. publication as they relate to claims 1 and 20. Accordingly, Applicants are submitting that claims 1 and 20, and claims 14 and 31, by virtue of their dependencies, are all patentable over the Sheth publication, the Beisty et al. publication, and the Phelan et al. publication in view of Official Notice.

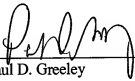
Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103 rejection of claims 14 and 31 set forth in section 15 of the Office Action.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

1/7/11

Date



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